

PLEASE TAKE NOTICE that pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and upon the accompanying Memorandum of Law, Defendants American Express Retirement Plan, American Express Company, and American Express Company Employee Benefits Administration Committee (“Defendants”) will move this Court before the Honorable Lewis A. Kaplan, United States District Court Judge, on a date and at a time to be designated by the Court, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an Order granting Defendant’s Motion to Dismiss Plaintiff’s Complaint.

MOTION

Plaintiff Paula Kritzman has filed an action alleging claims under the Employment Retirement Income Security Act of 1974, as amended. For the reasons set forth in Defendants' Memorandum of Law in Support of Defendants' Motion to Dismiss filed herewith, Defendants hereby move to dismiss certain Counts of the Complaint under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted.

Dated: March 14, 2006
New York, New York

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

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* *Pro Hac Vice* admission pending.